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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/608,428

06/30/2003

William Christopher Draper JR.

86769-0009

8076

30398

7590

01/09/2008

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EXAMINER

CARDENAS NAVIA, JAIME F

ART UNIT

PAPER NUMBER

4182

NOTIFICATION DATE

DELIVERY MODE

01/09/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dcptopatent@hhlaw.com

### Office Action Summary

**Application No.**

10/608,428

**Applicant(s)**

DRAPER ET AL.

**Examiner**

Jaime F. Cardenas-Navia

**Art Unit**

4182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/309)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: NPL

## DETAILED ACTION

### *Introduction*

1. This **NON-FINAL** office action is in response to applicant's submission filed on June 30, 2003. Currently claims 1-19 are pending.

### *Priority*

2. Applicant's claim for the benefit of prior-filed provisional applications under 35 U.S.C. 119(e) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) for two of the three claims as follows:

This application claims the benefit of prior-filed application Nos. 60/391,932 (June 28, 2002), 60/391,929 (June 28, 2002), and 60/398,814 (July 29, 2002) under 35 U.S.C. 119(e). If the prior-filed application is a provisional application, the prior-filed application must be entitled to a filing date as set forth in 37 CFR 1.53(c) and the basic filing fee must be paid within the time period set forth in 37 CFR 1.53(g). See 37 CFR 1.78(a)(4).

**Applicant does not receive benefit of an earlier filing date** for provisional applications 60/391,932 (June 28, 2002) and 60/391,929 (June 28, 2002) because their filing date is more than 12 months before applicant's submission. **Applicant is required** to delete the reference to these prior-filed applications. **Benefit of an earlier filing date is granted** for provisional application 60/398,814 (July 29, 2002).

***Claim Objections***

3. **Claims 1, 2, 7, 11, 15, and 19 are objected to** because of the following informalities:

**Regarding claim 1**, the phrase “containing related processes” is used in describing each of the sub-modules. It is unclear in each case what exactly the processes are related to, and whether or not they are the business processes cited in the preamble. As it stands, “related” is not granted patentable weight, and the “related processes” are different from the “business processes.”

Because “related processes” are different from “business processes,” the nature of the interrelation and interdependence of the “sub-modules of interrelated and interdependent business processes” is never disclosed. Therefore, the phrase “of interrelated and interdependent business processes” is not granted patentable weight.

In the description of the delivery planning sub-module, the phrase “other modules” should be changed to “other sub-modules.”

**Regarding claim 2**, the phrase “containing related processes” is once again used. As it stands, related is not granted patentable weight.

**Regarding claim 7**, “instructor lead training” should be changed to “instructor-led training.”

**Regarding claim 11**, it is unclear how measuring and reporting the predefined metrics further limits claim 6, putting the properness of this dependent claim in question. Appropriate correction is required.

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**Regarding claim 15**, in the collecting training user data step, “an organization” should be changed to “said organization” to avoid confusion when “said organization is used in the preparing step.

**Regarding claim 19**, “instructor lead training” should be changed to “instructor-led training.”

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Regarding claim 1**, “said module” is used in the preamble without sufficient antecedent basis. It should be changed to “said delivery model.”

In the delivery planning sub-module, “learning solution” is used without sufficient antecedent basis. It should be changed to either “business driven learning solution” or “delivery module.”

Also, the phrase “based on input from other modules” is indefinite, as neither the input nor the other modules are defined. One skilled in the art at the time of the invention would be unable to determine the relationship between the modules and sub-modules.

In the delivery wrap-up sub-module, the term “necessary” is a relative term, which renders the claim indefinite. The term “necessary” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be able to determine the “necessary” follow-up services. Additionally, there is not sufficient antecedent basis for “the necessary follow-up services.”

**Regarding claim 5**, “train the trainer process” is used without sufficient antecedent basis. It should be changed to either “train a trainer process” or “train trainers process.”

**Regarding claim 9**, “said user data” is used without sufficient antecedent basis. It should be changed to “said user training data.”

**Regarding claim 11**, “Kirkpatrick’s Levels 1, 2, and 3 assessments” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be able to apprise the scope of the invention.

**Regarding claim 13**, “said module” is used without sufficient antecedent basis. It should be changed to “said delivery module.”

**Regarding claim 15**, the managing step does not specify that the organization’s training delivery is being managed. The step should be amended to “managing said organization’s training delivery...” so that this relationship is made clear.

In the managing and preparing steps, the phrase “provided from other modules of said organization’s learning solution” is indefinite, lacks sufficient antecedent basis, and renders the claim incomplete due to the omission of essential steps. “Other modules” implies that these steps are modules, which is not possible, and that modules are defined in some other part of the claim, which they are not. The phrase “learning solution” is also used without sufficient antecedent basis. Essentially, these two steps are dependent on something that does not exist.

The collecting step is incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The collecting step is not dependent on the result of any previous steps, nor are its results used in any following steps.

In the scheduling step, “said organization’s training delivery schedule” lacks antecedent basis. It should be changed to “said organization’s training delivery.”

In the preparing step, “the course content” is used without sufficient antecedent basis. It should be changed to “course content.”

In the preparing, executing, and performing steps, “said training activities” is used without sufficient antecedent basis. In the preparing step, it should be changed to “training activities” or preferably “said organization’s training activities” to make clear the relationship between the organization and the training activities. If the latter is chosen, then in the executing and performing steps, “said training activities” should be changed to “said organization’s training activities.”

In the performing step, the term “necessary” is a relative term, which renders the claim indefinite. The term “necessary” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be able to determine the “necessary” follow-up services. Additionally, there is not sufficient antecedent basis for “the necessary follow-up services.”

**Regarding claim 17**, “said step of scheduling training” lacks sufficient antecedent basis. It should be changed to “said step of scheduling said organization’s training delivery.”

The term “vice regional” is not defined in the specification and a definition could not be found elsewhere. Thus, one having ordinary skill in the art at the time of the invention would not be reasonably apprised of the scope of claimed invention.

**Regarding claim 18**, “the training subject matter” lacks sufficient antecedent basis. It should be changed to “training subject matter.”



***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. **Claims 1-14 are rejected under 35 U.S.C. 101** because the claimed invention is directed to non-statutory subject matter. The claimed invention of a delivery *module* comprising *sub-modules* containing business *processes* do not fall into one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, article of manufacture, or composition of matter). *Module* and *sub-module* are not clearly defined in the specification, and the standard definition of module ranges from a unit of measurement, to a portion of code in a program, to a standardized component of a system. It is unclear whether the applicant is trying to claim a computer program, in which case it should be claimed as a program product stored on a computer readable medium, or if applicant is seeking to claim a machine. However, a clearer definition of module alone would not place the claimed invention in one of the statutory categories. A proper machine claim is defined by its parts rather than what it is capable of doing, the exception being if the applicant invokes U.S.C. 112, sixth paragraph. A proper program product claim is defined by the processes it performs when executed on a computer.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. **Claims 1-4 and 8 are rejected under 35 U.S.C. 102(a)** as being anticipated by Bull (US 6,409,514 B1).

**Regarding claim 1**, Bull teaches:

A delivery module for a business driven learning solution for managing the learning and training needs of an organization (col. 1, lines 66-67) in a manner that is responsive to dynamic business needs, said module comprising sub-modules of interrelated and interdependent business processes, including:

a delivery planning sub-module containing related processes to manage, coordinate and schedule training activities (col. 3, lines 24-26, 53-57) based on input from other modules of said organization's learning solution;

a delivery execution sub-module containing related processes to prepare (col. 3, lines 53-57) and execute (col. 4, lines 14-18. Electronically storing the worker's performance implies the training activities have been executed) said training activities; and

a delivery wrap-up sub-module containing related processes for performing the necessary follow-up services after said training activities are delivered (col. 4, lines 16-18).

**Regarding claim 2**, Bull teaches:

a delivery operations sub-module containing related processes to facilitate administrative services across the entire delivery module (col. 3, lines 24-26, 53-57, col. 4, lines 39-41).

**Regarding claim 3, Bull teaches:**

wherein said business processes in said delivery operations sub-module are comprised of processes selected from the group consisting of process improvement, financial management, resource management (col. 3, lines 53-57), facilities management, marketing, performance analysis (col. 4, lines 14-18), delivery support plan maintenance, instructor certification, vendor/supplier management, remote learning services, proposals/projects, translation and localization, archive courses, and business partners programs.

**Regarding claim 4, Bull teaches:**

The delivery module according to claim 1, wherein said business processes in said delivery planning sub-module are comprised of a plan for new solutions process (col. 4, lines 39-41, col. 6, lines 34-36), a forecasting demand (sessions) process (col. 3, lines 26-29), a scheduling process (col. 3, lines 53-57), a registration and confirmation process (Abstract, lines 6-10), a development of a delivery support plan process (col. 3, lines 26-34), a knowledge transfer process (col. 3, lines 30-32, col. 7, lines 34-36), and an operational review process (col. 8, lines 7-9).

**Regarding claim 8, Bull teaches:**

Wherein training user data is capture to effectively forecast present or anticipated demand of an organization's learning resources (col. 3, lines 26-29).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claim 5 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Bull (US 6,409,514 B1) in view of Simmons (WO 98/03953 A2), further in view of Sandoval et al. (US 2003/0004766 A1).

Bull teaches a session breakdown process (col. 4, lines 13-22).

Bull does not teach a field trial process, a train the trainer process, a prepare to teach process, a sending out of session materials process, a delivery of sessions process (e.g., instructor lead training, virtual instructor lead training, and Web-based), and a session set-up process.

Simmons teaches a sending out of session materials process (p. 2, lines 6-7) a delivery of sessions process (e.g., instructor lead training, virtual instructor lead training, and Web-based) (p. 3, lines 1-10), and a session set-up process (p. 6, lines 15-18).

Sandoval teaches a field trial process (par. 124, lines 1-8).

Common sense teaches a train the trainer process and a prepare to teach process, as the trainer must be knowledgeable in the subject matter to be able to teach it.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Bull, Simmons, and Sandoval do not teach away from or contradict one another, but rather, teach separate processes. Additionally, the combination would have yielded predictable

results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of comprehensive training management.

12. **Claims 6 and 14 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Bull (US 6,409,514 B1) in view of Stoneking et al. (US 2003/0050814 A1).

**Regarding claim 6**, Bull teaches a close sessions process (col. 4, lines 16-17).

Bull does not teach a quality control process.

Stoneking teaches a quality control process (par. 89, lines 1-7).

The inventions of Bull and Stoneking pertain to improving business management. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Stoneking does not teach away from or contradict Bull, but rather, teaches a process that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of comprehensive training management.

**Regarding claim 14**, Bull teaches learning delivery (Abstract, lines 1-2).

Bull does not teach wherein learning delivery services are implemented by an independent business entity that is acting according to a service level agreement with an organization, said service level agreement establishing requisite quality and effectiveness levels of said learning delivery services as measured by one or more pre-selected performance metrics.

Stoneking teaches wherein learning delivery services are implemented by an independent business entity that is acting according to a service level agreement (par. 89, lines 1-7) with an organization in need of outsourcing (par. 91, lines 1-6), said service level agreement establishing requisite quality and effectiveness levels of said learning delivery services as measured by one or more pre-selected performance metrics (par. 89, lines 1-7).

The inventions of Bull and Stoneking pertain to improving business management. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Stoneking does not teach away from or contradict Bull, but rather, teaches a process that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the many known advantages of outsourcing.

13. **Claims 7, 13, 15 and 19 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Bull (US 6,409,514 B1) in view of Simmons (WO 98/03953 A2).

**Regarding claim 7**, Bull does not teach how the execution of training activities is accomplished.

Simmons teaches executing training activities by instructor led training (p. 1, lines 13-17), virtual classroom training (p. 1, lines 13-17), self-paced training delivered via computer (p. 2, lines 6-11), or a blend of e-learning and live instructor led training (p. 3, lines 1-10).

The inventions of Bull and Simmons pertain to managing and carrying out training activities. All the claimed elements were known in the prior art and one skilled in the art could

have combined the elements as claimed by known methods with no change in their respective functions, as Simmons does not teach away from or contradict Bull, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Bull with the teachings of Simmons, motivated by the advantages of flexibility and choice provided by offering multiple methods for implementing the training activities.

**Regarding claim 13**, Bull does not teach wherein said module accepts course content materials from a development module via a network of electronic learning platforms.

Simmons teaches wherein said module accepts course content materials from a development module via a network of electronic learning platforms (p. 7, lines 2-5, Figures 1(a)-(d)).

The inventions of Bull and Simmons pertain to managing and carrying out training activities. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Simmons does not teach away from or contradict Bull, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Bull with the teachings of Simmons, motivated by the advantages of flexibility and choice provided by selecting course content from a development module.

**Regarding claim 15**, Bull teaches:

A method for delivering to members of an organization learning services that are responsive to an organization's dynamic business needs (col. 3, lines 25-30, 55-57, and col. 4, lines 16-18);

managing training delivery based on business strategy (col. 3, lines 25-30);

collecting training user data to effectively forecast demand of an organization's learning resources (col. 3, lines 26-30. "to effectively forecast demand of an organization's learning resources" is intended use, and Bull's invention is capable of that intended use);

scheduling training delivery in order to allow said organization to optimize use of equipment, facilities, and human resources (col. 3, lines 55-57. "in order to..." is intended use, and Bull's invention is capable of that intended use);

executing training activities (col. 4, lines 16-18. Electronically storing the worker's performance implies the training activities have been executed); and

performing follow-up services after training activities are delivered (col. 4, lines 16-18).

Bull does not teach preparing training activities based on course content.

Simmons teaches preparing training activities based on course content (p. 7, lines 2-5. Also, see figures 1a and 2).

The inventions of Bull and Simmons pertain to managing and carrying out training activities. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Simmons does not teach away from or contradict Bull, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to



combine the teachings of Bull with the teachings of Simmons, motivated by having training activities consistent with the course content.

**Regarding claim 19**, Bull does not teach how the execution of training activities is accomplished.

Simmons teaches executing training activities by instructor led training (p. 1, lines 13-17), virtual classroom training (p. 1, lines 13-17), self-paced training delivered via computer (p. 2, lines 6-11), or a blend of e-learning and live instructor led training (p. 3, lines 1-10).

The inventions of Bull and Simmons pertain to managing and carrying out training activities. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Simmons does not teach away from or contradict Bull, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Bull with the teachings of Simmons, motivated by the advantages of flexibility and choice provided by offering multiple methods for implementing the training activities.

14. **Claims 9 and 16 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Bull (US 6,409,514 B1) in view of Simmons (WO 98/03953 A2), further in view of Hollingsworth (US 6,157,808).

**Regarding claim 9**, Bull teaches training user data selected from the group consisting of student demand (col. 3, lines 26-30).

Bull does not teach training user data selected from course content, learning media type, instructors, facilities, and equipment use.

Simmons teaches training user data selected from course content and learning media type (p. 7, lines 2-5, claim 4, and also see Figures 1a and 2).

Hollingsworth teaches training user data selected from facilities and equipment use (col. 7, lines 65-67 and col. 8, lines 1-3. The venue of a computer room takes into consideration that certain equipment such as computers is sometimes necessary for training).

Common sense teaches training user data selected from instructors if the learning media type is one that requires instructors. Though no reference specifically teaches that instructors are collected, Simmons uses instructors in its training delivery, making it inherent that instructors were collected.

One set of data does not affect the collection of other sets of data, and so all the claimed elements, which were known in the prior art, could have been combined by one skilled in the art with no change in their respective functions. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Bull with the teachings of Simmons, Hollingsworth, and common sense, motivated by the advantage of collecting all necessary data to effectively plan training activities.

**Regarding claim 16,** Bull teaches the collection of training user data including student demand (col. 3, lines 26-30).

Bull does not teach collection of course content, learning media type, instructors, facilities, and equipment use.

Simmons teaches the collection of training user data including course content and learning media type (p. 7, lines 2-5, claim 4, and also see Figures 1a and 2).

Hollingsworth teaches collection of training user data including facilities and equipment use (col. 7, lines 65-67 and col. 8, lines 1-3. The venue of a computer room takes into consideration that certain equipment such as computers is sometimes necessary for training).

Common sense teaches collection of training user data including instructors if the learning media type is one that requires instructors. Though no reference specifically teaches that instructors are collected, Simmons uses instructors in its training delivery, making it inherent that instructors were collected.

Collecting one set of data does not affect the collection of other sets of data, and so all the claimed elements, which were known in the prior art, could have been combined by one skilled in the art with no change in their respective functions. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Bull with the teachings of Simmons, Hollingsworth, and common sense, motivated by the advantage of collecting all necessary data to effectively plan training activities.

15. **Claim 10 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Bull (US 6,409,514 B1) in view of Kogut-O'Connell et al. (US 6,658,427 B2), McCormick et al. (US 7,031,651 B2), Hollingsworth (US 6,157,808), and Simmons (WO 98/03953 A2).

Bull does not teach the use of a global scheduling tool to manage information including instructor names, course locations, method of course delivery, and materials and equipment used to teach the course.

Kogut-O'Connell teaches use of a global scheduling tool to manage information (col. 3, lines 55-59 and col. 5, lines 1-7) including materials and equipment used to teach the course (col. 5, lines 61-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kogut-O'Connell's teaching of a global scheduling tool with Bull's electronic management training scheduling tool motivated by the need to schedule training for a global organization. All the claimed elements, which were known in the prior art, could have been combined by one skilled in the art with no change in their respective functions. Furthermore, there would have been a high expectation of success, given the ease with which electronic systems can be made global.

Neither Bull nor Kogut-O'Connell teaches information including instructor names, course locations, and method of course delivery.

McCormick teaches information including instructor names (col. 7, lines 18).

Hollingsworth teaches information including course locations (col. 7, lines 67).

Simmons teaches information including method of course delivery (p. 15, lines 1-7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine McCormick, Hollingsworth, and Simmons' teaching of the collection of various information with Bull and Kogut-O'Connell's training scheduling tools motivated by the advantage of collecting all necessary data to effectively plan training. Collecting one set of

information does not affect the collection of other sets of information, and so all the claimed elements, which were known in the prior art, could have been combined by one skilled in the art with no change in their respective functions. Furthermore, there would have been a high expectation of success, given the ease with which information can be integrated.

16. **Claim 11 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Bull (US 6,409,514 B1) in view of Stoneking et al. (US 2003/0050814 A1), further in view of Kirkpatrick (*Evaluating Training Programs: The Four Levels*. San Francisco, CA: Berrett Koehler).

Neither Bull nor Stoneking teaches wherein predefined metrics selected from the group consisting of Kirkpatrick's Levels 1, 2, and 3 assessments are measured and reported.

Stoneking teaches wherein predefined metrics are measured and reported (par. 89, lines 1-7).

Kirkpatrick teaches Kirkpatrick's Levels 1, 2, and 3 assessments (p. 2, Contents #3-6, p. 3, lines 1-2).

The inventions of Stoneking and Bull pertain to evaluating. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Stoneking and Kirkpatrick do not teach away from or contradict Bull, but rather, teach a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage of using an established evaluation system as the predefined metric for the quality control process.

17. **Claim 12 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Bull (US 6,409,514 B1) in view of Simmons (WO 98/03953 A2) and Sandoval et al. (US 2003/0004766 A1), further in view of Holland (*Professional Development in Technology: Catalyst for School Reform*. Association for the Advancement of Computing in Education. Journal of Technology and Teacher Education. June 22, 2001. Gale Group).

Neither Bull nor Simmons teaches trainers receiving instruction and field test, subject matter knowledge, presentation competency, and effective use of delivery mechanisms prior to delivering training.

Sandoval teaches instruction and field test (par. 124, lines 1-8).

Common sense teaches trainers receiving instruction in subject matter knowledge, as you cannot teach something you do not know.

Holland teaches trainers receiving instruction in presentation competency (p. 5, par. 5) and instruction in effective use of delivery mechanisms prior to delivering training (p. 5, par. 5).

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Holland does not teach away from or contradict Bull, Simmons, and Sandoval, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Holland with the teachings of Bull, Simmons, and Sandoval motivated by the desire to improve and ensure the quality of the training activities.

18. **Claim 17 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Bull (US 6,409,514 B1) in view of Simmons (WO 98/03953 A2), further in view of Kogut-O'Connell et al. (US 6,658,427 B2).

Bull teaches scheduling with an electronic (col. 3, lines 13-23) scheduling tool (col. 3, lines 55-57), but neither Bull nor Simmons teaches using a global scheduling tool.

Kogut-O'Connell teaches a method for providing multi-user electronic calendaring and scheduling for online training further comprising the use of a global scheduling tool (col. 3, lines 55-59 and col. 5, lines 1-7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kogut-O'Connell's teaching of a global scheduling tool with Bull's electronic management training scheduling tool motivated by the need to schedule training for a global organization (Simmons teaches undergoing training for a geographically dispersed group of students (p. 1, lines 12-13)). Furthermore, there would have been a high expectation of success, given the ease with which electronic systems can be made global.

19. **Claim 18 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Bull (US 6,409,514 B1) in view of Simmons (WO 98/03953 A2), further in view of Holland (*Professional Development in Technology: Catalyst for School Reform*. Association for the Advancement of Computing in Education. Journal of Technology and Teacher Education. June 22, 2001. Gale Group).

Neither Bull nor Simmons teaches providing trainers with instruction in the training subject matter, instruction in presentation delivery, and instruction in effective use of delivery mediums.

Common sense teaches providing trainers with instruction in the training subject matter, as you cannot teach something you do not know.

Holland teaches providing trainers with instruction in presentation delivery (p. 5, par. 5) and instruction in effective use of delivery mediums (p. 5, par. 5).

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Holland does not teach away from or contradict Bull and Simmons, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Holland with the teachings of Bull and Simmons, motivated by the desire to improve and ensure the quality of the training activities.



***Conclusion***

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime F. Cardenas-Navia whose telephone number is (571) 270-1525. The examiner can normally be reached on Mon-Fri, 7:30AM - 5:00PM EST, Alt Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on (571) 272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 28, 2007

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